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Summary record of the 2622nd meeting
Held at the Palais Wilson, Geneva, on Thursday, 26 April 2018, at 3 p.m.

Chair: Mr. Amir

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined fourth to ninth periodic reports of Saudi Arabia (CERD/C/SAU/4-9; CERD/C/SAU/Q/4-9)

1. *At the invitation of the Chair, the delegation of Saudi Arabia took places at the Committee table.*

2. **Mr. Al-Shahrani** (Saudi Arabia), introducing his country's combined fourth to ninth periodic reports (CERD/C/SAU/4-9), said that the report had been prepared by the relevant government authorities in cooperation with civil society organizations. Saudi Arabia was carrying out wide-ranging reforms under its Saudi Vision 2030 plan, which had been launched in April 2016 and included development initiatives in the fields of health, education, employment, protection of the family and the empowerment of women. Various legal and institutional measures had been implemented across the entire human rights spectrum. Work was currently under way to finalize a national human rights strategy and related action plan, which comprised over 100 initiatives in various spheres.

3. During the period covered by the report, the domestic legal framework for the promotion and protection of human rights had been strengthened. Important legislation had been adopted in such areas as preventing human trafficking and the registering of civil society organizations. Legislation had also been enacted to govern the relationship between employers and domestic employees and provide greater legal protection for domestic workers. In addition, efforts were being made to raise awareness of the international instruments to which Saudi Arabia was a party, including the Convention, through media campaigns and at schools. As to the country's institutional framework, the law governing the work of the Human Rights Commission had been amended in March 2016 to better ensure that body's independence. A number of new institutions had also been set up, such as the Saudi Bar Association, the Family Affairs Council and, most recently, an oversight body on care for persons with disabilities.

4. The Government's efforts to promote and protect the enjoyment of human rights without discrimination had yielded many positive results. Participation in public life, for instance, had been improved with the appointment of 30 women to the Consultative (Shura) Council, where women now made up 20 per cent of the total members, and 6 women had also been appointed to the Human Rights Commission, representing approximately 25 per cent of the total membership. Significant progress had been made in the health sector as well, spanning such areas as maternal and infant health, vaccination programmes, care for persons with disabilities and older persons, and mental health.

5. In the education sector, the illiteracy rate had been lowered thanks to the launching of flexible, non-discriminatory programmes. Higher education was free, and financial and other incentives were offered for male and female students alike. The number of female students pursuing scientific specializations was on the rise, and the percentage of female students in higher education overall had reached 52 per cent. The principles of equality and non-discrimination occupied a central place in all curricula, which were revised periodically.

6. In the employment sector, a number of measures had been taken to protect the rights of workers against racial discrimination. For instance, with the adoption of Cabinet Decision No. 166 (9 October 2000) governing the relationship between employers and migrant workers, the term "sponsor" had been replaced with the term "employer"; and an August 2010 decision of the Ministry of Labour and Social Development had prohibited any discrimination in wages between male and female workers for work of equal value. The mechanism for contracting foreign workers had also been modified and the staff of specialized recruitment agencies had received training in recognizing and preventing human trafficking. A hotline operating in eight languages had been set up and brochures had been produced to inform workers of their rights and the legal and translation services available to them. Workshops had also been held to inform domestic workers of their rights.

7. Under the memorandum of understanding signed between the State party and the Office of the United Nations High Commissioner for Human Rights, various training activities had been organized to raise awareness among lawyers, members of the judiciary and health professionals about the human rights treaties to which Saudi Arabia was a party. In parallel, the Ministry of Education and the Human Rights Commission had launched a joint programme to strengthen coordination in the mainstreaming of a culture of human rights in schools.

8. The Government's approach to combating racism and racial discrimination operated at all levels. At the national level, the King Abdulaziz Centre for National Dialogue brought together representatives of all segments of society with a view to strengthening national unity and addressing issues of national importance. The Centre had organized 200 training events in 2017 that had been attended by more than 6,000 men and women, and it had launched a special programme to foster the values of peace and coexistence. Also in 2017, a supreme decree had been adopted on countering fanaticism in sports. In addition, the King Abdullah bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue had been established in Vienna to strengthen peaceful coexistence among nations and combat extremism. As a party to five of the principal human rights treaties, Saudi Arabia had set up in 2015 a standing committee — made up of representatives of the Government and civil society — to prepare reports for the treaty bodies and follow up on their recommendations.

9. **Ms. Dah** (Country Rapporteur) said that the information submitted in lieu of a core document was unfortunately incomplete. It would be useful to have data on the ethnicity of the country's 21 million Saudi Arabian nationals and on the nationalities of the 10 million foreign residents, including the number of refugees and stateless persons. Noting that the State party's report gave the impression of a largely inclusive country, she wondered whether any civil society organizations dealt specifically with racial discrimination.

10. While the progress made over the reporting period was to be commended, she wished to know what institutional, legislative and administrative measures the country had adopted to implement the Convention. She asked whether the Government would consider withdrawing its reservation to the Convention, as requested by the Human Rights Council.

11. Although all international instruments ratified by Saudi Arabia carried the same weight as national laws, the Committee had not received any reports of the Convention having been invoked before the courts. In the absence of a specific law prohibiting racial discrimination, she was concerned that the concept might not be defined in line with article 1 of the Convention; might the State party consider amending the Basic Law of Governance to include an appropriate definition? Similarly, the country's criminal legislation did not treat motivations relating to race, national or ethnic origin or colour as aggravating circumstances, which suggested that the State party had fallen short in meeting its obligations under articles 2 to 4 of the Convention. The general principles of non-discrimination, equality and justice as provided for under sharia law were noble and essential for human rights, but they did not themselves serve to combat or prevent racial discrimination. The new draft law on hate speech should draw on the Committee's general recommendation No. 35 and include provisions on the incitement of racial hatred. It was regrettable that article 39 of the Basic Law of Governance focused on preserving national unity rather than on preventing racial discrimination in the media.

12. She wished to know whether civil society organizations — which were effectively prohibited from engaging in political activity and were only authorized to operate once their charters had been ascertained to be in compliance with article 8 (2) of the Civil Society Organizations and Institutions Act — were subject to subsequent monitoring.

13. In the wake of the judicial system reforms, it would be helpful to have information on the number of complaints filed, judgments issued and convictions handed down in cases involving racial discrimination, which institution had received the complaint and the number of cases handled by the Human Rights Commission. A number of measures were urgently needed to further strengthen the system, such as the adoption of a criminal code, the amendment of the Criminal Procedure Act, the harmonization of case law and the establishment of a legal aid system; those tasks could perhaps be entrusted to the

Commission. Of the various institutions in existence to protect and promote human rights, including the Commission and the National Society for Human Rights, she wished to know which was considered the national human rights institution.

14. The lack of demographic data on ethno-religious minorities and vulnerable groups, many of whom lived in poverty, prevented an accurate assessment of their situation. Aware that members of minority faiths, such as Shia Muslims, were often the target of political, social and economic discrimination, she wished to know what action the State party planned to take to remedy the situation. Groups such as tribal and nomadic peoples, persons of African or Asian descent and people living in remote areas were also subject to varying degrees of marginalization and discrimination. She wondered what steps the State party planned to take to tackle the stereotypes and prejudices that exacerbated that situation, for instance, special measures under the Convention and the Committee's general recommendation No. 32 or campaigns to raise public awareness. In the report on his 2017 mission to Saudi Arabia (A/HRC/35/26/Add.3), the Special Rapporteur on extreme poverty and human rights had found that certain segments of the population, particularly women from minority groups, were denied access to public sector employment and basic services and had high illiteracy and school dropout rates. She would welcome additional efforts by the Government to ensure that women from minority groups had full access to education, health care, employment and justice.

15. She encouraged the State party to act upon the recommendations made by the Committee on the Elimination of Discrimination against Women (CEDAW/C/SAU/CO/3-4) by allowing Saudi women to transmit their nationality to a foreign spouse and to their children on an equal basis with Saudi men and by regularizing the situation of stateless women.

16. She would appreciate up-to-date figures on the number of refugees and asylum seekers in the country. As the State party had not ratified any of the international conventions on refugees, it would be interesting to hear about its procedure for granting refugee status. She would also welcome information regarding the situation of refugee camps, particularly the Rafha camp, in the light of the refugee crisis sweeping the region. Did the State party ensure access to education, employment, water, sanitation and health care? The adoption of a national anti-trafficking action plan for the period 2017–2020 and the establishment of a standing committee to implement the Anti-Trafficking in Persons Act were welcome measures, and it would be useful to have statistics on any related investigations, prosecutions and convictions in order to assess their impact.

17. The State party had introduced a raft of laudable measures to protect migrant workers, including a wage protection programme and a prohibition on confiscating the passports of migrant workers. She wished to hear about the impact of those measures and any penalties imposed. In 2016, incidents involving tens of thousands of Indian, Pakistani and Filipino migrant workers had revealed the existence of structural discrimination and the persistence of elements of the sponsorship (*kafalah*) system even though it had officially been abolished. Furthermore, migrant workers were disproportionately subject to arbitrary detention and capital punishment. She therefore recommended that the State party should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. According to the report of the Special Rapporteur on extreme poverty and human rights, female domestic workers often faced criminal charges, imprisonment and, in some cases, the death penalty. They were also at risk of abuse by their employers, although the latter were rarely prosecuted inasmuch as workers were reluctant to bring criminal proceedings for fear of deportation or rejection by other employers. She wished to know what steps the State party had taken to improve working conditions and how frequently inspections were conducted. She urged the State party to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).

18. **Mr. Kut** said that the State party was to submit, in accordance with article 9 (1) of the Convention and rule 65 of the Committee's rules of procedure, a follow-up report within one year after the publication of the concluding observations.

19. **Mr. Avtonomov**, noting that, in the State party, two thirds of female migrant workers were domestic workers and two thirds of all workers were migrants, said that the State party should consider ratifying the ILO Domestic Workers Convention, 2011 (No. 189), and the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.

20. Under Ministerial Order No. 1982 of 3 June 2016, a foreign worker's service could be transferred from one employer to another without the current employer's consent in two sets of circumstances, namely, pending a lawsuit before one of the judicial bodies where a delay had been caused by the employer or upon the recommendation of a judicial body during the examination of a lawsuit in order to avoid any possible negative impact on the worker. He wished to know whether there were any other scenarios in which the voluntary transfer of a worker's service was possible. Any examples that the delegation could provide in that regard would be welcome.

21. Between February 2014 and May 2016, 29,917 lawsuits involving domestic workers had been settled by 37 committees specialized in the settlement of labour disputes related to domestic workers. He would be grateful for information on the functioning of the committees in question and on any specific prevention and enforcement activities carried out by labour inspectorates in relation to discrimination as prohibited under the Convention.

22. Lastly, he would appreciate information on cooperation between the State party and the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation.

23. **Mr. Marugán** said that it would be helpful to receive up-to-date statistics on the number of migrants in the State party. In particular, he was interested to know the number of migrants from Myanmar, what rights those migrants had and what support, including remittances, they sent to their relatives in Myanmar, Bangladesh and other neighbouring countries.

24. Noting that, in June 2017, the State party had been one of several countries to cut off diplomatic relations with Qatar, he asked what impact the decision had had on Qataris living in Saudi Arabia.

25. He wished to know whether migrants in an irregular situation enjoyed full rights, including freedom of movement, and what specific services and facilities were available to them. He invited the delegation to respond to reports that the State party's authorities had detained and expelled thousands of such migrants and that, as part of an anti-crime campaign launched by the Ministry of Interior, such migrants were given 90 days to regularize their status or leave the country.

26. He was concerned at the fact that the Committee had received only one submission from a civil society organization to complement the State party's periodic report. He would welcome an explanation of why civil society participation in the reporting process had been so low and what was being or would be done to rectify the situation. Noting that article 8 of the Civil Society Organizations and Institutions Act stipulated that an application to set up an association had to be submitted by not fewer than 10 Saudi natural or corporate persons, he asked what steps were being taken to ensure that migrants could exercise their right to organize.

27. He requested the delegation to provide figures on the access of migrant children and the children of migrants to primary, secondary and tertiary education, and asked whether those children were entitled to receive the religious education of their choice, including none, if they so wished. The delegation should state whether migrants were free to practise their own religion without interference and whether all content that was derogatory towards religious minorities had been removed from school textbooks, as recommended by the Committee on the Rights of the Child in 2016 (CRC/C/SAU/CO/3-4).

The meeting was suspended at 4.35 p.m. and resumed at 4.55 p.m.

28. **Mr. Murillo Martínez** said that he would be grateful to receive detailed, up-to-date information, including statistics disaggregated by ethnicity, on the prison situation in the State party and on recorded cases of racism and racial discrimination. It would be helpful to

know whether the principle of the reversal of the burden of proof was applicable in such cases.

29. He invited the delegation to elaborate on the State party's efforts to combat human trafficking. Up-to-date statistics on the fines and sentences imposed on persons convicted of that offence and a description of the relationship between human trafficking and prostitution in the State party would be welcome.

30. He wished to know the extent to which migrants, and ethnic minorities in general, were able to benefit from the guarantees provided under the Unemployment Insurance Act and from housing plans.

31. It would be useful to have precise figures on the number of persons of African descent in the State party and an indication of whether the State party intended to contribute financially or otherwise to the International Decade for People of African Descent, such as by participating in the elaboration of the draft declaration on the promotion and full respect of human rights of people of African descent and participating actively in the programme of activities for the implementation of the Decade.

32. **Ms. Mohamed** said that she wished to know whether regular checks were carried out to protect migrant domestic workers from harassment and violence, including sexual violence, at the hands of their employers. In that connection, she wondered whether persons found guilty of harassment or sexual violence were punished according to sharia law.

33. Lastly, she asked whether it was possible for children born to a Saudi mother and a non-Saudi father to obtain Saudi citizenship.

34. **Mr. Diaby** said that he wished to know the extent to which the Saudi Human Rights Commission was independent. He asked whether there had been any reported cases of use of the *kafalah* sponsorship system since the recent legislative changes — and, if so, how many — and what judicial follow-up there had been.

35. He would appreciate statistics on the representation of ethno-religious minorities in the police force, the judiciary and among high-level officials in general. He would also welcome information on the level of State control over influxes of seasonal workers, the status of such workers and the rights that they were granted.

36. He would be interested to hear from the delegation a description of the degree of civil society participation in the process of preparing the State party's periodic report. Had there been national consultations on the matter?

37. **Mr. Albuquerque e Silva** said that general reservations to international treaties undermined the effectiveness of the rights enshrined therein and the latitude of action of treaty bodies. With that in mind, he asked whether the State party would consider withdrawing its reservation to the Convention or specifying which provisions of the Convention it considered to be in conflict with sharia law.

38. **Mr. Bossuyt** said that he would advise the State party to introduce a labour law to regulate the relationship between migrant workers and their employers as the use of employment contracts for that purpose seemed inappropriate in view of the inherent imbalance of power between the two parties. It would be helpful if the delegation could provide an update on the status of the comprehensive national strategy to promote and protect human rights mentioned in paragraph 53 of the State party report. On a separate point, he would urge the State party to consider reducing the frequency with which the death penalty was applied and ultimately eliminating its application. Lastly, it was unclear whether a quota had been introduced to increase the representation of women in regional and municipal councils, as had been the case in the Consultative (Shura) Council, and whether the members of that Council and regional and municipal councils were elected.

39. **Ms. Li** asked what legal penalties were applicable to public officials found to have abused their power by committing acts of racial discrimination and whether aggravated penalties were applicable under criminal law to persons who committed crimes motivated by, inter alia, race, colour, descent or nationality.

40. **Mr. Yeung Sik Yuen** said that it would be useful to learn how judges were appointed in Saudi Arabia; whether they enjoyed security of tenure; in what circumstances they could be removed from office; whether proceedings were ever brought against high-ranking public officials; and whether there were any persons in Saudi Arabia who were immune from prosecution. It seemed to him that the many and varied functions of the Bureau of Investigation and Public Prosecution, which included leading prosecutions, appealing verdicts and visiting prisons, risked creating conflicts of interest. In other countries, some of those functions were performed by the judiciary or an ombudsman rather than the public prosecution service.

41. In view of the high number of foreign nationals living in Saudi Arabia, he would be grateful if the delegation could comment on the steps that could be taken to improve the situation of persons who followed religions other than Islam. They were currently forbidden from worshipping in public and reportedly faced harassment even when attempting to worship in private with others.

42. **Mr. Al-Shahrani** (Saudi Arabia) said that his country was keen to ratify additional international instruments that protected and promoted human rights. Indeed, the possibility of doing so was under active consideration, and amendments were being introduced to national legislation in preparation for that process. With regard to the general reservation that Saudi Arabia had entered to the Convention, no specific inconsistencies had yet been identified between the Convention's provisions and Islamic sharia law. In fact, racial discrimination was fundamentally incompatible with the principles of Islamic sharia law.

43. **Mr. Al-Otaibi** (Saudi Arabia) said that all forms of racial discrimination were prohibited under Islamic sharia law. In accordance with article 8 of the Basic Law of Governance, all national institutions sought to prohibit discrimination against the country's residents on the basis of, inter alia, ethnicity and colour. Existing regulations guaranteed the equality of children's rights and prohibited discrimination in the provision of services for children on the basis of, inter alia, sex, ethnicity and disability.

44. **Mr. Al-Shahrani** (Saudi Arabia) said that the Rafha refugee camp had been closed for more than 20 years. It had served to accommodate Iraqi refugees during the second Gulf war. The refugees in question had received comprehensive support and assistance. Many of them had since left the country.

45. **Mr. Ashshowwaf** (Saudi Arabia) said that the Human Rights Commission was fully independent. The Commission had once been part of the executive branch, but, in accordance with an amendment introduced to its statutes under Cabinet Decision No. 237 of 14 March 2016, it now reported directly to the King. The members of the Board of the Commission, which oversaw its work, were each appointed for a four-year renewable term of office and were representative of the geographical and ethnic diversity of the country as a whole. The Board was currently in its third term and had six female members.

46. The Human Rights Commission had six standing committees, each of which dealt with a specific aspect or category of human rights. They included a standing committee on civil and political rights and a standing committee on economic, social and cultural rights. The president of the Commission had the rank of minister and was assisted by a vice-president. The Commission had an independent budget funded from, inter alia, allocations from the State budget.

47. The Human Rights Commission was a governmental body that represented Saudi Arabia at the international level, whereas the National Society for Human Rights was a civil society organization.

48. **Mr. Al-Shahrani** (Saudi Arabia) said that there were no marginalized groups in Saudi Arabia. Throughout its history, Saudi Arabia had sought to uphold the principle that all persons were equal in rights and responsibilities.

49. The millions of migrant workers in Saudi Arabia were considered partners in the country's development. The total value of the remittances that they sent back to their respective countries of origin, which was higher than that of the remittances sent home by migrant workers living in any other country, gave some indication of the importance of their contribution. Each year, the rights of a small number of migrant workers were violated;

such incidents were isolated and were dealt with in accordance with the law. Overall, however, there was a clear trend in favour of the protection of the rights of migrant workers. Indeed, they would not continue to arrive in the country in such large numbers if they feared that their rights would not be protected. Saudi Arabia had signed bilateral agreements with a number of the countries of origin of the migrant workers living in its territory with a view to strengthening the protection of their rights.

The meeting rose at 6 p.m.